

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

J.C.

Claimant,

vs.

VALLEY MOUNTAIN REGIONAL  
CENTER,

Service Agency.

OAH No. N 2006100669

**DECISION**

On December 7, 2006, in San Andreas, California, Ann Elizabeth Sarli, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Claimant represented himself.

The Service Agency, Valley Mountain Regional Center, was represented by Anthony Hill, Special Projects Manager.

Evidence was received, the record was closed and the matter was submitted on December 7, 2006.

**FACTUAL FINDINGS and DECISION ON ISSUES**

1. Claimant is a client of Valley Mountain Regional Center (service agency). Effective September 29, 2006, claimant filed two Fair Hearing Requests. The Fair Hearing Requests were consolidated for hearing on October 24, 2006.

2. On February 7, 2003, claimant was convicted of a crime. There are no court records in evidence. However, the evidence indicates that claimant pled guilty to a violation of Penal Code section 69 (resisting arrest with threats or violence). In connection with his conviction, the criminal court trial judge hearing the matter followed the requirements of Penal Code section 1001.20 et seq., and contacted the service agency to determine whether claimant suffered from mental retardation, autism, or a condition similar to mental retardation, and thus was eligible for a diversion program. Also in compliance with this section, the trial judge ordered the service agency to propose conditions of probation compatible with claimant's current IPP.

3. The service agency complied and advised the court that respondent received regional center services due to his diagnosis of cerebral palsy, not the conditions which would permit diversion under section 1001.20 et seq. The service agency proposed a probationary term and anger management courses, should claimant be found guilty. The trial judge sentenced claimant to a probationary term, which included the condition he take anger management classes. Claimant completed these classes, paid \$400 for them and is seeking reimbursement from the service agency on the ground that the service agency wrongfully requested the court impose these classes upon him.

4. Claimant's argument has no legal merit. There is no requirement in the Welfare and Institutions Code, section 4500 et seq., that a regional center pay for a consumer's court ordered classes or for other penalties which arise from criminal actions. The service agency was required by law to comply with court orders for information on regional center clients, and did so in good faith. Further, anger management classes and probation are routine sentences in criminal conviction similar to claimant's. The decision to impose probation and anger management classes was solely within the discretion of the sentencing judge. Sentencing judges take into consideration the circumstances which led to the conviction, the demeanor of the defendant, and probation department assessments, in making their decisions. There is no question that claimant, and not the service agency, is responsible for payment for anger management classes.

5. Claimant also argues that service agency is responsible for paying for at least half of the funds he would have to pay to have his conviction expunged. Again, he believes the service agency is responsible for "recommending" anger management and probation to the judge. Additionally, he believes that the service agency employees, when they intervened to advise the judge of his status, somehow caused his conviction for a felony.<sup>1</sup> His arguments are without merit. Claimant also points to his Individual Program Plan (IPP), which states that the service agency caseworker will contact Ernest Tascoe for an opinion

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<sup>1</sup> The evidence is not conclusive, but it appears that claimant was convicted of a misdemeanor, not a felony as he asserts.

about expungement and/or sealing his records. The case manager was to coordinate this meeting with claimant. They were to discuss the options and the service agency was to monitor this objective to ensure that claimant receive the legal support he requires to manage this objective.

6. The service agency met with claimant and Mr. Tascoe. Mr. Tascoe made his recommendation and advised claimant to hire an attorney to assist him in filing a request for expungement. Mr. Tascoe referred claimant to legal services and other legal entities which could assist him. He advised claimant on how to obtain the appropriate form. And in fact, claimant has obtained it and filled it out for filing. The evidence is persuasive that the service agency fulfilled this responsibility. The IPP does not promise to pay for claimant's legal representation or criminal record expungement, and the Lanterman Act does not authorize such an expenditure.

### ORDER

1. Claimant's request for an order directing the Valley Mountain Regional Center to reimburse him for anger management classes is denied.

2. Claimant's request for an order directing the Valley Mountain Regional Center to pay for legal services in connection with expungement of his criminal conviction is denied.

### NOTICE

This is the final administrative Decision; both parties are bound by this Decision. Either party may appeal this Decision to a court of competent jurisdiction within 90 days of receipt of this Decision.

Dated: December 7, 2006

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ANN E. SARLI  
Administrative Law Judge  
Office of Administrative Hearings